Amendments to the Drawings

The attached replacement drawing sheet includes changes to Figure 4. This sheet, which includes Figure 4, replaces the original informal sheet including Figure 4. In Figure 4, reference 406 is added. Applicants also enclose a marked-up copy of Figure 4 entitled "Annotated Marked-up Drawing" with the proposed change shown in red.

Attachments: Replacement Sheet, Annotated Marked-Up Drawing Sheet Showing Changes

REMARKS

Claims 42-96 are pending in the application. Claims 1-41 were cancelled by a Preliminary Amendment filed on September 12, 2003. Applicants hereby amend claims 42, 45-50, 53, 54, 57, 59, 60, 63, 64, 66-73, 80-82, 85, 86, and 88-92 without any intent of disclaiming equivalents thereof; Applicants cancel claims 65, 74-79, 83, 84, 87, and 93-96 without prejudice and without any intent of abandoning the subject matter thereof; and Applicants add claims 97-105. Support for the new and amended claims is found in the claims as originally filed and in the specification, for example, in paragraph [0031] to paragraph [0039], paragraph [0055], paragraph [0057], paragraph [0082], paragraph [0095], and FIGS. 1, 2, and 12. It is believed that no new matter is added. After entry of this amendment, claims 42-64, 66-73, 80-82, 85, 86, 88-92, and 97-105 are pending with claims 42 and 99 being the independent claims. In view of the amendments and remarks presented herein, reconsideration and allowance of the claims under consideration is respectfully requested.

Information Disclosure Statement

The Examiner notes that the listing of references in the specification is not a proper information disclosure statement. Applicants believe that all of the references listed in the specification were cited in the Information Disclosure Statement, filed on September 24, 2003. Accordingly, Applicants understand they have all been considered.

Specification

The Examiner objects to the specification because of a typographical error on page 10, line 11. Applicants have amended paragraph [0044] of the specification to correct the

typographical error noted by the Examiner as well as other typographical errors. No new matter has been added thereby.

Drawings

The drawings are objected to as failing to comply with 37 C.F.R. 1.84(p)(5) because they do not include references referred to in the description. Applicants enclose a proposed drawing correction. The proposed correction is provided on both a Replacement Sheet and an Annotated Marked-Up Drawing Sheet for the original drawing sheet containing Figure 4. Both documents now include reference numeral "406" (with the change shown in red ink on the Annotated Marked-Up Drawing Sheet). Support for this amendment is found in the specification, for example, on page 10, lines 10-11. As formal drawings were not required, Applicants do not submit them herewith.

Rejection of Claims Under 35 U.S.C. § 103(a)

Claims 42-52, 59-71, 74-82, and 85 are rejected under 35 U.S.C. § 103(a) as being unpatentable over German Pat. No. 373125 by Gurth (hereinafter "Gurth") in view of United States Pat. No. 5,564,589 to Fu *et al.* (hereinafter "Fu"). Claims 53-58, 72, 73, 83, 84, and 86-96 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gurth in view of Fu and further in view of United States Pat. No. 2,595,527 to Kells *et al.* (hereinafter "Kells") and United States Pat. No. 2,154,305 to Goerl (hereinafter "Goerl"). Applicants note that a full English translation of Gurth is provided with the Supplemental Information Disclosure Statement filed herewith (as Reference B1). While not acquiescing to the rejections, Applicants hereby amend independent claim 42, cancel independent claims 65 and 74, and amend formerly independent claim 86 to depend indirectly from claim 42. Accordingly, the rejections are moot.

To the extent that similar rejections would apply to claim 42, as amended, and new independent claim 99, with regard to amended independent claim 42, Applicants respectfully submit that Gurth fails to teach or suggest a heat transfer efficiency between a heater and a vessel chamber that is greater than fifty percent. With regard to new claim 99, Applicants respectfully submit that Gurth fails to teach or suggest a thermally conductive member comprising an undulating shape having a flat surface coupled to a vessel peripherally about a central area of a bottom end of the vessel.

Gurth reports on a closed, gas fired, cooking burner with a Bunsen type combustion arrangement. A plate is bound to a base by screws. The plate is contoured with a plurality of ribs, which open downward. Various configurations of the ribs are shown in the figures, and the configurations appear to include configurations in which the ribs generally radiate radially outwardly from the center of the burner. Applicants respectfully submit that nothing in Gurth teaches or suggests a heat transfer efficiency between a heater and a chamber that is greater than fifty percent or teaches or suggests a thermally conductive member comprising an undulating shape having a flat surface coupled to a vessel peripherally about a central area of a bottom end.

Fu, Kells, and Goerl fail to cure the deficiency of Gurth. Fu reports on providing heat transferring fins in a spiral pattern to the bottom and helical pattern to the side wall of a pot or pan for more effective heat transfer from a stove flame to the pot or pan. Kells reports on an apparatus for heat treating materials, and more particularly an apparatus for raising materials to a predetermined, adjustable temperature and for maintaining them at that temperature, or at different desired higher or lower temperatures. Goerl reports on a cooking kit which includes a spirit burner, a plurality of cooking utensils, and a support means for disposing a selected utensil

for its heating by the burner. None of these references teaches or suggests a heat transfer efficiency between a heater and a chamber that is greater than fifty percent or teaches or suggests a thermally conductive member comprising an undulating shape having a flat surface coupled to a vessel peripherally about a central area of a bottom end.

Accordingly, Applicants respectfully submit that Gurth, Fu, Kells, and Goerl, whether alone or in combination, fail to teach or suggest a heat transfer efficiency between a heater and a chamber that is greater than fifty percent. Furthermore, Applicants respectfully submit that Gurth, Fu, Kells or Goerl, either alone or in combination, fail to teach or suggest a thermally conductive member comprising an undulating shape having a flat surface coupled to a vessel peripherally about a central area of a bottom end. Accordingly, it is respectfully submitted that amended independent claim 42 and new claim 99 are allowable and that dependent claims 43-64, 66-73, 80-82, 85, 86, 88-92, 97, 98, and 100-105, which depend directly or indirectly from allowable base claims, are also allowable.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection and objection, and allowance of claims 42-64, 66-73, 80-82, 85, 86, 88-92, and 97-105 in due course. The Examiner is invited to contact Applicants' undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,

Date: May 28, 2004
Reg. No. 45,508
Tel. No. (617) 248-7226
Fax No. (617) 790-0100

Daniel A. Wilson
Attorney for Applicants
Testa, Hurwitz & Thibeault, LLP
125 High Street
Boston, MA 02110

3057169

Title: Heating Vessel
10/603,947
Inventor(s): Dowst *et al.*
Atty Docket No. JTB-001
Atty/Agent: DAWilson (617-248-7226)
Annotated Marked-Up Drawings

4/15

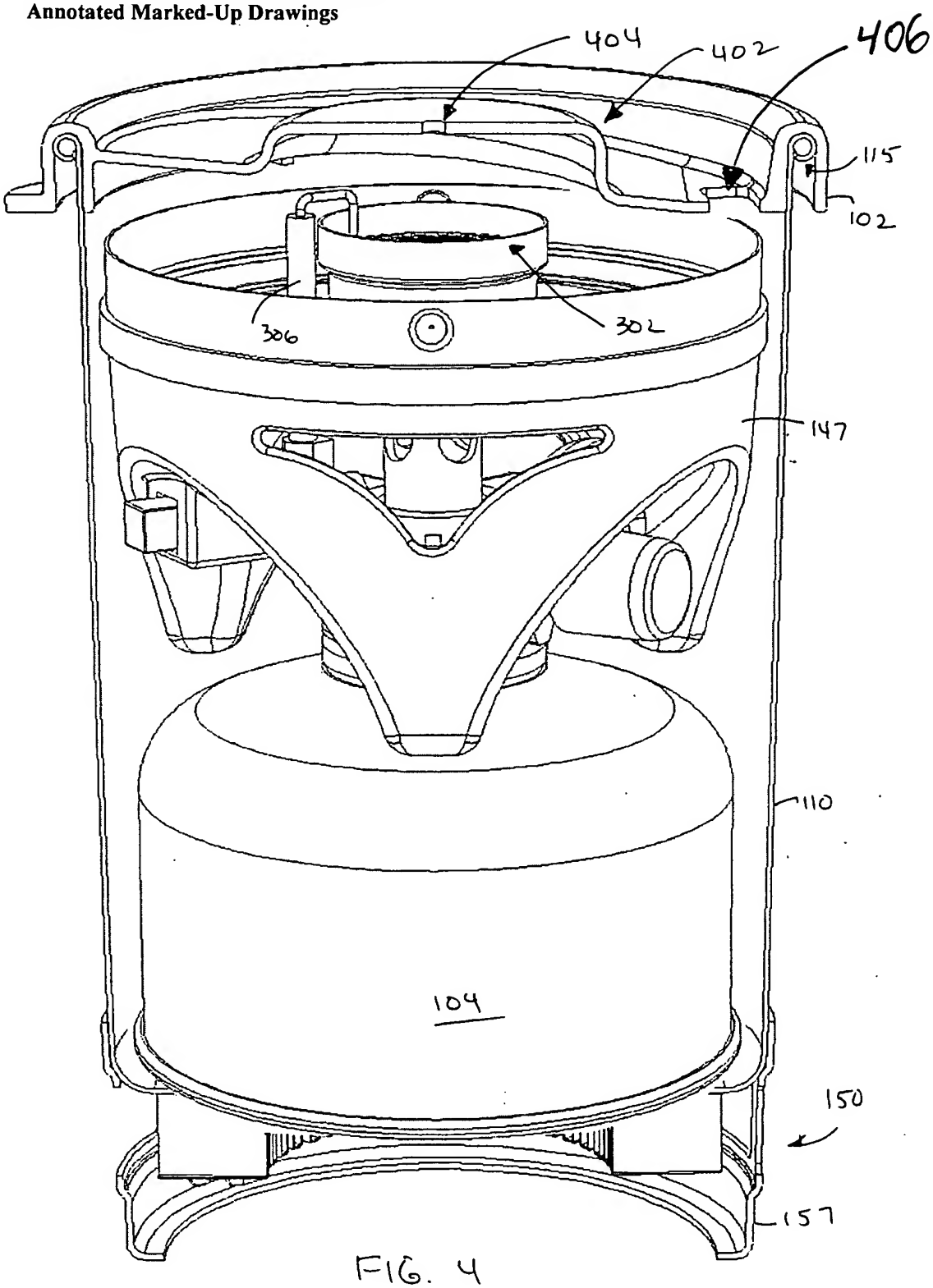

FIG. 4